



FISCAL MEMORANDUM

SB 2165 - HB 2414

February 14, 2022

SUMMARY OF BILL AS AMENDED (013612): Requires that a covered entity must comply with a request or subpoena for information protected under HIPAA if the request is accompanied by a qualified protective order signed by the court and meets other criteria. States that a local government entity may opt out of this requirement upon passage of a resolution by a simple majority vote of the entity's governing body. Establishes guidelines that the covered entity seeking protected health information must adhere to, including submitting a notarized statement indicating that reasonable efforts have been made to ensure the individual who is the subject of the information request has been notified of the request. States that the individual who is the subject of the information request, or the individual's representative, has 45 days to file an objection to the request.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The Department of Finance and Administration, Benefits Administration and the Division of TennCare can comply with this legislation with existing staff and resources if they are entreated by such subpoenas.
- Any court proceedings that are a result of the proposed legislation are assumed to be borne by private parties, and therefore do not create a significant fiscal impact to state or local governments.
- Authorizing local governments to opt out of upon passage of a resolution will not significantly impact local government expenditures.
- It is assumed that the proposed legislation will not result in a significant increase in court proceedings. Therefore, it can be accomplished using existing resources and personnel.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/cd